



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

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OCT 31 2007

REPLY TO THE ATTENTION OF:

R 19J

The Honorable Mark Kirk
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kirk:

In follow-up to our conversation on October 25, 2007, I am sending you a description of the Superfund process that we will follow to address the contamination that remains in Waukegan Harbor.

As I mentioned, the U.S. Environmental Protection Agency recently completed the third 5-year review for the Outboard Marine Corporation Superfund site. This review concluded that the Waukegan Harbor site (OU#1) remedial action is currently not protective of human health and the environment. The 5-year review can be found at http://www.epa.gov/region5superfund/fiveyear/fyr_index.html#five_illinois. Therefore, EPA will undertake a remedy selection process that determines a protective PCB cleanup level for the Harbor sediment and then choose and implement a cleanup remedy to achieve the protective level. We will rely on information that has recently been gathered and analyzed by our Great Lakes National Program Office as we move forward with the reevaluation of the Waukegan Harbor site remedy.

Thank you for your continued interest in the cleanup of Waukegan Harbor. If you have any further questions about the Superfund process, please contact me or your staff may contact Mary Canavan, the Region 5 Congressional Liaison, at 312-886-3000.

Sincerely,

Mary A. Gade
Regional Administrator

Enclosure

Summary of Remaining Activities Outboard Marine/Waukegan Harbor Superfund Site

1. Re-evaluate the Harbor Remedy

There exists a large amount of information about the nature and extent of contamination, and the risks posed, by the Waukegan Harbor Superfund Site. The EPA will reevaluate this information and then conduct an engineering (or Feasibility) study to identify a preferred cleanup alternative for the site. That process includes the following:

A. Development and Screening of Cleanup Alternatives

The development of cleanup alternatives will:

- a. identify remedial action objectives;
- b. identify potential treatment, resource recovery, and containment technologies that will satisfy these objectives;
- c. screen the technologies based on their effectiveness, implementability, and cost; and
- d. assemble technologies and their associated containment or disposal requirements into alternatives for the contaminated media at the site.

Alternatives may be developed to address contaminated medium, a specific area of the site, or the entire site. The entire site will eventually be cleaned up with one or a combination of remedial alternatives.

Once potential alternatives are developed, it may be necessary to screen out certain options to reduce the number of alternatives that will be analyzed. The screening process involves evaluating alternatives with respect to their effectiveness, implementability, and cost; and provides a way to compare alternatives. It is usually done on a general basis and with limited resources, because the information necessary to fully evaluate the alternatives may not be complete at this point in the process. The primary goal of the screening process is to identify those alternatives that should be more fully developed and evaluated.

B. Detailed Analysis of Alternatives

Cleanup alternatives will then be evaluated in detail with respect to nine evaluation criteria that the Agency has developed to address the statutory requirements and preferences of CERCLA. The nine criteria include:

- overall protection of human health and the environment;
- compliance with applicable and relevant and appropriate (environmental) requirements
- long term effectiveness and permanence;
- reduction of toxicity, mobility, or volume;

- short-term effectiveness;
- implementability;
- cost;
- State acceptance; and
- community acceptance.

The alternatives will be analyzed individually against each criterion and then compared against one another to determine their respective strengths and weaknesses and to identify the key trade-offs that must be balanced for the site. The results of the detailed analysis will be summarized so that an appropriate remedy consistent with CERCLA can be selected.

C. Undergo an evaluation by the National Remedy Review Board

If the preferred remedy is projected to exceed \$25 million it will undergo a review by the National Remedy Review Board (NRRB). In January 1996, EPA created the NRRB as part of a comprehensive package of reforms designed to make the Superfund program faster, fairer, and more efficient. The NRRB is a peer review group that understands both the EPA regional and headquarters perspectives in the remedy selection process. It reviews proposed Superfund cleanup decisions that meet cost-based review criteria to assure they are consistent with Superfund law, regulations, and guidance. The NRRB is composed of managers or senior technical or policy experts from EPA offices important to Superfund remedy selection issues.

2. Select the Harbor Remedy

A. Conduct Public Participation Process

Once the EPA has identified a preferred cleanup alternative that has, if necessary, successfully undergone NRRB evaluation, we will conduct a public participation process regarding the preferred cleanup alternative. The EPA will develop a Proposed Plan that identifies the preferred cleanup alternative and discusses why the alternative is preferred. The public will be invited to provide input and comments on the Proposed Plan in a (minimum) 30 day public comment period. During the public comment period, we will host a public meeting near the site, to explain the Proposed Plan, and discuss it directly with interested community members.

B. Document Selected Cleanup Alternative

The EPA will document the selected cleanup alternative at the Harbor with a Record of Decision (ROD). The ROD is a public document that explains the cleanup alternative and the EPA's rationale for selecting it. The ROD will include a Responsiveness Summary that will provide EPA's response to all of the public comments received during the Proposed Plan public comment period.

3. Complete the Remedial Design

A. Develop the Preliminary and Final Designs

During the Remedial Design (RD) phase the technical specifications for the cleanup remedies and technologies will be designed. A more refined cost estimate for the cleanup action, than that developed for the ROD, will also be completed. The RD, and subsequent remedial action, will be based on the specifications described in the ROD.

B. National Risk-Based Priority Panel Evaluation

After the RD is completed the Harbor cleanup project will undergo an evaluation to rank it against other National Priorities List Superfund projects that are in need of EPA funding. In August 1995, EPA established a National Risk-Based Priority Panel of program experts to evaluate the risk at National Priorities List sites with respect to human health and the environment. The EPA uses these evaluations to establish funding priorities for all new cleanup construction projects in the Superfund program. This national approach is intended as a way for each Region to list its priority projects and rank these projects against priority projects from other Regions, ensuring that appropriated resources are allocated to the projects nationally posing the most risk to human health and the environment.

4. Implement the Remedial Action

Remedial Action (RA) will follow the remedial design phase and involves the actual construction or implementation phase of Superfund site cleanup.